

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARC TETRO, INC.,

Plaintiff,

19-cv-2691 (PKC)

-against-

ORDER

ANN TREBOUX d/b/a PAULA DATESH d/b/a  
JEFF WENTZEL,

Defendant.  
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CASTEL, U.S.D.J.

The Court held a teleconference on Friday, July 10, 2020. Present on the call were plaintiff's counsel and Ms. Treboux, who is proceeding pro se. The Court orders the following:

(1) By August 11, 2020, plaintiff will provide defendant Treboux with the following:

- a. The present or last known address of any person who took video recordings or photographs of Ms. Treboux in California or New York, and copies of any such photographs or recordings taken of Ms. Treboux; and
- b. The dates, times, and locations when Ms. Treboux was selling the alleged counterfeit items, either in California or New York. This information will be provided in writing.

(2) By August 11, 2020, Ms. Treboux will provide plaintiff with the following:

- a. Records of any purchases she made of images referred to in paragraphs 10 and 11 of the Complaint, i.e., images purportedly protected by the copyright registration in Exhibit A of the Complaint;
- b. Identification of all revenue from the sale of any items bearing the images described in paragraphs 10 and 11 of the Complaint, i.e., images purportedly protected by the copyright registration in Exhibit A of the Complaint. Such identification of revenue, sales, and profits shall be on a quarterly basis for the period beginning three (3) years prior to the filing of the Complaint, up to the present, and including any profits made on the sales; and
- c. Documentary support for item (b) above.

(3) Going forward, plaintiff is to serve Ms. Treboux both via email at [anntreboux@yahoo.com](mailto:anntreboux@yahoo.com), and via U.S. mail at 1390 Bancroft Way, Berkeley, CA 94702.<sup>1</sup> Defendant represented that although she is undomiciled, she receives mail at this address.


The next conference in this case will be on October 9, 2020. While the Court initially set the October 9 conference for 11:00am, due to a scheduling conflict, this conference will now take place at 2:00pm on October 9, 2020 in Courtroom 11D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007.

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<sup>1</sup> In submissions to the Court, Ms. Treboux has alternatively listed this address without a zip code (see, e.g., Doc 48 at 1), or with a zip code of 94704 (see, e.g., Doc 75 at 1). At the July 10 teleconference, Ms. Treboux provided the 94702 zip code. (See July 10, 2020 Tr.) The Court takes judicial notice that the correct zip code for this address is 94702. See United States v. Bari, 599 F.3d 176, 180-81 (2d Cir. 2010); Rule 201, Fed. R. Evid.

**FAILURE TO COMPLY WITH ANY PORTION OF THIS ORDER WILL RESULT IN THE STRIKING OF THE PARTY'S PLEADING WHICH, IN THE CASE OF THE PLAINTIFF, MEANS THE DISMISSAL OF THE CASE AND, IN THE CASE OF THE DEFENDANT, MEANS THE STRIKING OF ANY ANSWER AND ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT.**

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
July 15, 2020